
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

ALBERT DENNIS ZAMPEDRI,
Petitioner,

v.

WARDEN BLOOD,
Respondent.

**MEMORANDUM DECISION
& DISMISSAL ORDER**

Case No. 1:21-CV-145-TS

District Judge Ted Stewart

Petitioner, Albert Dennis Zampedri, filed this habeas-corpus petition, *see* 28 U.S.C.S. § 2254 (2022), in which he attacks the same 2002 attempted murder convictions that he challenged in four past unsuccessful petitions in this Court. *See Zampedri v. United States*, No. 2:16-CV-870-TC (D. Utah Jan. 31, 2018); *Zampedri v. Bigelow*, 2:10-CV-1272-DAK (D. Utah Jan. 3, 2011); *Zampedri v. Bigelow*, 2:08-CV-721-DAK (D. Utah Jan. 29, 2009); *Zampedri v. Clark*, No. 2:05-CV-139 TC (D. Utah Sept. 11, 2006). The current petition is thus deemed "second or successive." *See* U.S.C.S. § 2244(b) (2022).

The Court lacks jurisdiction over this second or successive habeas application absent the Tenth Circuit Court of Appeals's prior authorization to file it. *See id.* § 2244(b)(3)(A). Because Petitioner has not sought such authorization, the petition's merits may not be considered.

This misfiled petition may be transferred to the court of appeals "if . . . it is in the interest of justice." *Id.* § 1631. In determining here that a transfer would not be in the interest of justice, the Court has examined whether the claims alleged are likely to have merit, and whether the claims were filed in good faith or if, on the other hand, it was clear at the time of filing that the

court lacked the requisite jurisdiction. *In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008). It should have been obvious to Petitioner, upon receiving many federal-court orders on past federal habeas petitions--cited above--that his claims were unlikely to have merit; the current petition was not filed in good faith; and this Court would lack jurisdiction over such a second or successive petition. It is therefore not in the interest of justice to transfer the case to the Tenth Circuit Court of Appeals.

IT IS ORDERED that:

(1) Based on lack of jurisdiction, this unauthorized second or successive habeas-corpus petition is **DISMISSED** without prejudice. (ECF No. 1.)

(2) A certificate of appealability is **DENIED**.

(3) Petitioner's motion for the Court to reconsider its April 15, 2022 Order, (ECF No. 6), is **DENIED**. (ECF No. 8)

DATED this 8th day of March, 2023.

BY THE COURT:



TED STEWART
United States District Judge